IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13544 of 2004

Between:

1 Mutyala Srinivas, S/o. Komuraiah, R/o. Chimalapet, H/o. Telukunta Village, Julapalli Mandal, Karimnagar District.
2 Mutyala Ravi, S/o. Komuraiah, R/o. Chimalapet, H/o. Telukunta Village, Julapalli Mandal, Karimnagar District.
3 Mutyala Kanakamma, W/o. Komuraiah, R/o. Chimalapet, H/o. Telukunta Village, Julapalli Mandal, Karimnagar District.

..... PETITIONERS

AND

1 The District Collector, Karimnagar,
2 The Revenue Divisional Officer, Peddapalli, Karimnagar District.
3 The Mandal Revenue Officer, Julapalli, Karimnagar District.
4 Mallarapu Prabhakar, S/o. Sri Durgaiah, R/o. Chimalapeta, H/o. Telukunta, Julapalli Mandal, Karimnagar District.
5 Mallarapu Durgaiah, S/o. Ramalingaiah, R/o. Chimalapeta, H/o. Telukunta, Julapalli Mandal, Karimnagar District.
6 Mallarapu Rvi, S/O. Sri Durgaiah, R/o. Chimalapeta, H/o. Telukunta, Julapalli Mandal, Karimnagar District.
7 Lanka Swami, S/o. Sri Rajaiah, R/o. Chimalapeta, H/o. Telukunta, Julapalli Mandal, Karimnagar District.
8 Mallarapu Mallesham, S/o. Mondaiah, R/o. Chimalapeta, H/o. Telukunta, Julapalli Mandal, Karimnagar District.
9 Mallarapu Durgaiah, S/o. Sri Hanmaiah, R/o. Chimalapeta, H/o. Telukunta, Julapalli Mandal, Karimnagar District.
10 Bouthu Mallamma, W/o. Rajaiah, R/o. Chimalapeta, H/o. Telukunta, Julapalli Mandal, Karimnagar District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of

Mandamus declaring the action of the 3rd respondent in passing the impugned order No. B/2052/2002, dt. 30-12-2003 cancelling the Laoni patta granted to the petitioners in No.B/2052/2002 dt. 6-7-2003 assigning agricultural lands in survey numbers 621 and 622 situated at Telukunta Village of Julapalli Mandal, and set aside the same as illegal, arbitrary, without jurisdiction and violative of principles of natural justice.

Counsel for the Petitioners: Mr. M.Rammohan Reddy, Advocate for MR.S.SATYAM REDDY, Advocate

Counsel for the Respondents 1 to 3: GP FOR REVENUE (Land Acquisition)

The Court made the following at the stage of Admission:

ORDER:

The petitioners herein were assigned the lands on 06.07.2003 in Survey Nos.621 and 622 (Ac.0.37 guntas to the first petitioner and Acs.1.00 each to petitioners 2 and 3) of Chimalapeta H/o Telukunta village, Julapalli Mandal, Karimnagar Ditrict. However, by impugned proceedings dated 30.12.2003, the Mandal Revenue Officer cancelled the assignment on the ground that the assignment itself was wrong and that the petitioners are not in possession. The Mandal Revenue Officer also recommended for cancellation of laoni patta.

The learned counsel for petitioners, Sri Ram Mohan Reddy submits that when the assignment itself was made on 06.07.2003, it was improper for the Mandal Revenue Officer to cancel the pattas without notice on the ground that the petitioners are not in possession of the properties. The learned counsel also relied on Rule 19 of Laoni Rules, 1950, which requires prior notice before cancellation of the laoni patta. A reading of the order would show that the impugned order is passed on the ground that assignment itself was wrong. Therefore, it would be in the interest of justice, the petitioners are given liberty to file appeal before the Revenue Divisional Officer having jurisdiction over the area, and such appeal be filed within a period of two weeks from the date of receipt of copy of the order and when such appeal is filed, the same shall be disposed of by Revenue Divisional Officer/second respondent herein

within a period of four weeks thereafter. In the meanwhile, no further action shall be taken for assignment of the land to others, for a period of six weeks.

The writ petition, with the above observations, is disposed of.

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(V.V.S.RAO,J)

03.08.2004.

pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Karimnagar District.
2. The Revenue Divisional Officer, Peddapalli, Karimnagar District.
3. The Mandal Revenue Officer, Julapalli, Karimnagar District.
4. 2 CCs to the G.P. for Revenue (Land Acquisition), High Court of A.P., Hyderabad. (OUT)
5. 2 CD copies.